

REMARKS

Claim 2 has been objected to due to an informality. Claim 2 has been amended to correct the noted informality.

Claims 1 and 4-9 have been rejected under 35 USC 102(b) as anticipated by Yamada. The rejection is respectfully traversed, as detailed in the previous amendment and for the additional reasons set forth below.

In response to Applicant's arguments filed May 26, 2003, the Examiner states that indeed "Yamada [sic] discloses performing several simulation runs of a stochastic process in figs. 1 and 2, page 1435." Applicant's respectfully disagree with the Examiner. Specifically, referring to Figs. 1 and 2 of Yamada, results of an actual software testing process are compared to different software reliability growth models (SRGM) specified by curves such as $M(t)$, $m(t)$. The different SRGMs are described, for example, in Section III. The curves based on the SRGMs are calculated by a maximum-likelihood estimation (see, for example, page 1434, right column, Section V., "Fig. 1 shows the maximum-likelihood estimation results."). The maximum-likelihood estimation method is described in detail in Section IV. on pages 1433-34. Although the SRGMs disclosed in Yamada are based on stochastic processes, the maximum-likelihood estimation described in Section IV. is based on deterministic calculations (defined in equations (2) to (29)) without actually performing a simulation run of stochastic processes. That is, the curves of Figs. 1 and 2, although using properties of stochastic processes, are results of a deterministic calculation and not of a simulated stochastic process.

Claims 2 and 3 have been rejected under 35 USC 103(a) as unpatentable over Yamada in view of Waclawski. The rejection is respectfully traversed for the same reasons set forth in the arguments presented above, and for the following reason. Waclawski fails to teach or suggest performing simulation runs of a stochastic process, as required by the claimed invention.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or fees due in connection with this document to **Deposit Account No. 03-1952** referencing docket no. 449122019300. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 22, 2003

Respectfully submitted,

By 

Kevin R. Spivak

Registration No.: 43,148

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 300

McLean, Virginia 22102

(703) 760-7762 - Phone

(703) 760-7777 - Facsimile